IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

APPEAL NO.82 OF 2005
IN
NOTICE OF MOTION NO.3298 OF 2003
IN
MISCELLANEOUS PETITION NO.13 OF 1995
IN
TESTAMENTARY PETITION NO.598 OF 1990

Ms.Zeenia Darius Jehangir Appellant

versus

Bhaktawar Lentin and others Respondents

Mr.Shyam Diwan with Ms.Lata Bachani i/by I.R.Joshi & Co. for appellant.

Mr.H.J.Thakkar, Sr.Counsel with C.N.Mehta for respondent no.4.

CORAM : H.L.GOKHALE AND
S.C.DHARMADHIKARI, JJ.

DATE : 22nd March 2005

PC :

1. Heard Mr.Diwan in support of this appeal. Mr.Thakkar appears for the contesting respondent. Appeal admitted. Both learned counsel are heard. The order passed by learned Single Judge declined to go into the question raised in the motion on the ground that the Originating Summons and Suit were then pending. Now both of them have been decided by learned Single Judge (Kamdar, J.) by

order dated 19th January 2005. In view thereof we set aside this order, allow the appeal and revive the motion which was dismissed by the learned Single Judge. Motion No.3298 of 2003 will stand revived to the Court of learned Single Judge. Appeal is allowed in these terms.

2. Mr.Diwan for appellant submits that some huge amount has been withdrawn by the contesting respondent during the period until the appellant completed 21 years of age. He intends to take appropriate motion before the learned Single Judge. He may do so. All the contentions of the contesting respondent will be available to her when any such motion is taken.

(H.L.GOKHALE, J.)

(S.C.DHARMADHIKARI, J.)